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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,384	12/06/2000	Yasuki Motozawa	AB-1085 US	7422

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EXAMINER

CULBRETH, ERIC D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 12/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/733,384

Applicant(s)

MOTOZAWA ET AL.

Examiner

Eric D Culbreth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 08 October 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian Patent 636,693 in view of Vollmer et al (U.S. Patent 4,795,189, both of record).

Canadian '693 discloses a vehicle body including a portion 12, 12 to be deformed at the front of the vehicle (as functionally recited, upon a collision powerful enough to dislodge engine 11 (column 2, lines 55-60) the front supports 12 would be deformed). Engine 11 is a rigid body or structure supported on the vehicle body supports 12, 12 so as to move backward against brace 28 upon sufficient collision. Seat 22 is supported on the vehicle body so as to be longitudinally movable and includes seat belt 23. However, Canadian '693 does not teach a cable as a power transmission member mechanism transmitting backward movement of the engine to the seat and a guide affixed to the vehicle body around which the cable is drawn and from which the cable is affixed to the seat. Vollmer et al (189) discloses at column 6, lines 1-5 that cables 15' and 16' may be used to transfer movement of the engine into movement of the seats, in this case tilting them backward. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Canadian '693 to include cables transmitting power from the engine to the seat as taught by Vollmer et al (189) in order to optimize use of forces in an accident (column 2, lines 3-9 of Vollmer et al (189)). In the combination, the cables would be used to move the seats back in keeping with Canadian '693, the primary reference, and Vollmer et al (189) teaches reversing rails or guides 20 which would be included wherever the cable

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needs to change direction, such as where cables 15' and 16' make right angles behind the seats 27, 28 in Figure 1 (claims 1-2 and 7). Regarding claim 6, the engine in Canadian '693 moves toward an occupant compartment, and Canadian '693's seat 22 is secured to rails 26, 27 so as to be movable longitudinally. In the combination Vollmer et al (189) teaches the cables 15, 16 in sleeves 13, 14 between the engine and occupant compartment and affixed to the seats at portions 15', 16'.

3. Claim 8 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian '693 in view of Vollmer et al (189) as applied to claim 6 above, and further in view of German Patent 19711392 C1 (of record, cited by applicant).

Canadian '693 and Vollmer et al (189) do not teach the cable attached to the seat by means of connecting metal member[s] fixed to a lower surface of the seat. German '392 discloses in Figure 11 cables 61, 62 affixed to member 41.1. Such studs as member 41.1 are conventionally metal studs. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Canadian '693 and Vollmer et al (189) to include a metal stud on the seat in view of German '392 in order to secure the cable to the seat. Securing the cable to the lower surface of the seat is an obvious design expedient, as the specification gives no specific purpose or particular reason for where the cable is secured relative to the seat, and the invention would appear to work just as well if the cable is secured to the lower surface of the seat, the rails, etc., so long as the cable pulls the seat back in the combination and is not attached at an aesthetically annoying place.

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4. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian '693 in view of Vollmer et al (189) as applied to claim 1 above, and further in view of German Published Application 1,680,095 (of record).

Canadian '693 and Vollmer et al (189) do not teach a damper stopper specifying the limit of movement of the seat. German '095 discloses a damper stopper comprising shock absorber 7 and the rear support of the absorber for seat 9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Canadian '693 and Vollmer et al (189) to include a damper stopper limiting seat movement as taught by German '095 in order to reduce shock on the seat occupant.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the original disclosure for metal connecting members on the lower surface of a seat (i.e., member 15 of the disclosure is a single member on the bottom of a seat, not a plurality of members).

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone numbers for the organization where this application or proceeding is assigned are 703/746-3508 for regular communications and 703/308-2571 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Eric D Culbreth
Primary Examiner
Art Unit 3616

Eric Culbreth
12/20/02

ec
December 20, 2002